

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO

LORIE ESCOVEDO,

Plaintiff,

CIV. No. 21CV1211 KG/GJF

vs.

KILOLO KIJAKAZI, Acting Commissioner,
Social Security Administration,

Defendant.

**ORDER AWARDING ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER coming before the Court upon Plaintiff's Unopposed Motion for Attorney Fees and Costs under the Equal Access to Justice Act (Doc. 34), Defendant having no objection to Plaintiff's Motion, and the Court being fully advised in the premises, finds that the Motion is well taken and should be granted.

IT IS ORDERED that Plaintiff is awarded attorney fees in the amount of \$7,000.00 pursuant to 28 U.S.C. § 2412(d) and mailing expenses of \$24.48. The award shall be made payable to Plaintiff as prevailing party in accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010) and *Manning v. Astrue*, 510 F.3d 1246, 1254 (10th Cir.2007). **IT IS FURTHER ORDERED** that, if the Court also awards attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir.1986).


UNITED STATES DISTRICT JUDGE

SUBMITTED AND APPROVED BY:

Email approval on 09-08-2022

M. MICHELLE AUCOIN

Attorney for Plaintiff

Email approval on 09/08/2022

LAURA HOLLAND

Special Assistant U.S. Attorney

Attorney for Defendant